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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,138

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1333 7590 12/24/2009
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EXAMINER

WALKE, AMANDA C

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

12/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,138	Applicant(s) MULLER ET AL.	
	Examiner Amanda C. Walke	Art Unit 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al (EP 1101607) in view of any of Pappas et al (6,506,536), Fouquey et al (EP 433188), Jansen et al (6,916,855), or Sijbesma et al (6,320,018).

Yates et al disclose a heat sensitive composition comprising an acetal (0.25-50 %)IR absorber (0.25-25%; acid number of 50-210), a novolac resin (at least 40-at least 80%), and other units including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates [0041]. The amounts of the additional polymers as described in [0041] employed in the examples appear to fall within the instantly claimed range. The material also comprises solvents, polymeric particles, contrast dyes, and the material is employed in an IR sensitive printing plate. With respect to claim 19, the metal support is aluminum, however the claim is a product by process claim, therefore the process steps are not given patentable weight, and the limitations of the claim are taught by the reference, as the aluminum plate of the reference is suitable for use as a printing plate substrate. It would have been obvious to one of ordinary skill in the art to prepare the material of the reference choosing a group such as including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates as the functional group containing additives in the acetal resin.

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Yates et al discloses that other monomers may be present in the resin, but fails to specifically teach a hydrogen bonded monomer as instantly claimed.

Pappas et al , Fouquey et al, Jansen et al, and Sijbesma et al all teach monomeric units that aid in crosslinking to prepare more durable resins that have hydrogen bonding as instantly claimed. They are taught to be suitable with acrylates, novolacs, and various other monomers, and their addition would strengthen the material and make it more durable with a longer press life in a printing plate.

It would have been obvious to one of ordinary skill in the art to prepare the material of Yates et al choosing to employ an additional monomer in the binder/ novolac resin, as taught by the secondary references, to advantageously increase the durability and press life of the resultant printing plate.

3. Claims 3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al in view of Pappas et al , Fouquey et al, Jansen et al, or Sijbesma et al, in further view of Hauck et al (6,517,988).

Yates et al has been discussed above, and teaches that various additional units may be included, including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates, but fails to disclose the exact structure of these groups.

Hauck et al disclose a composition similar to that of Yates et al, and teaches that polymers/unit suitable to be employed with novolac and acetal resins include those having the units as instantly claimed (see columns 2 and 3). Use of the resin decreases the erosion of the pattern/wear.

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It would have been obvious to prepare the material of Yates et al in view of Pappas et al , Fouquey et al, Jansen et al, and Sijbesma et al choosing to employ the advantageous polymer of Hauck et al in combination with the acetal resin.

4. Claims 3, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates et al in view of Pappas et al , Fouquey et al, Jansen et al, and Sijbesma et al, in further view of Walls (5,169,897).

Yates et al has been discussed above, and teaches that various additional units may be included, including acrylic acids, methacrylic acids, vinyl alcohol, and acrylates, but fails to disclose the exact structure of these groups.

Walls disclose a composition similar to that of Yates et al, and teaches that polymers/unit suitable to be employed with novolac and acetal resins include those having the units as instantly claimed (see columns 2 and 3). Use of the resin decreases the erosion of the pattern/increased run length.

It would have been obvious to prepare the material of Yates et al in view of Pappas et al , Fouquey et al, Jansen et al, and Sijbesma et al choosing to employ the advantageous polymer of Walls in combination with the acetal resin.

5. Applicant's arguments with respect to claims 1 and 3-20 have been considered but are moot in view of the new ground(s) of rejection which were necessitated by the amendment filed with the response of 10/13/09.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C. Walke whose telephone number is 571-272-1337. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amanda C Walke
Primary Examiner
Art Unit 1795

/Amanda C Walke/
Primary Examiner, Art Unit 1795